

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

ROBERT BETHEL,

:

Petitioner,

Case No. 2:10-cv-391

:

-vs-

District Judge Michael R. Barrett

Magistrate Judge Michael R. Merz

DAVID BOBBY, Warden,

:

Respondent.

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**DECISION AND ORDER**

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This capital habeas corpus case under 28 U.S.C. § 2254 is before the Court on Petitioner Robert Bethel's Unopposed Motion to Expand the Record (ECF No. 227). Because it is unopposed, the Court grants the Motion without consideration of the impact, if any, of *Cullen v. Pinholster*, 563 U.S. 170 (2011). That question is reserved for later consideration.

However, the form in which the exhibits to expand the record is submitted is not acceptable. Instead, these exhibits shall be filed separately under the caption "Addendum to the State Court Record." As required by the Court's CM/ECF Procedures Guide all of the exhibits "shall be electronically filed using the Case Management/Electronic Case Filing system ("CM/ECF") by converting each document into a searchable text PDF document and uploading it into CM/ECF."

When the record is filed electronically, the Court's CM/ECF filing system will affix a unique PageID number to each page of the record, displayed in the upper right-hand corner of the page. All papers filed in the case thereafter by either party shall include record references to the

PageID number. Prior to filing the Addendum, the Petitioner's counsel shall ensure that any borders on parts of the record (typically, court reporter transcripts) do not obscure the PageID number when the page is filed. The Addendum shall be indexed by insertion of "bookmarks" in the .pdf version of the state court record uploaded to the Court's CM/ECF system which display each exhibit and the name of that exhibit in the record. The process of preparing the record in this way is common to non-capital habeas proceedings and relevant paralegal personnel may wish to consult on the process.

The Addendum shall be filed not later than November 25, 2024.

IT IS SO ORDERED.

November 12, 2024.

*s/ Michael R. Merz*  
United States Magistrate Judge